

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 2, 7 and 25 are currently pending in this application. Claims 1, 3-6, 8-24 and 26-34 are previously canceled without prejudice. Claim 2 is amended.

**Claim Rejections - 35 USC § 103**

Claims 2, 7 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2002/0068570 to Abrol et al. (hereinafter “Abrol”) in view of 2007/0129072 to Yamato et al. (hereinafter “Yamato”) and 2007/0202877 to Hogan (hereinafter “Hogan”). Applicants respectfully disagree.

The combination of Abrol, Yamato and Hogan does not disclose, teach or suggest “a dual mode wireless handset ... associating with a first wireless subsystem via a first operating mode radio circuit ... transmitting a capability information request ... receiving a capability information response from the second wireless subsystem indicating a second operating mode radio circuit capability of the second wireless subsystem ... and switching into a second operating mode radio circuit on a condition that the retrieved capability data indicates that the second wireless subsystem is capable of operation in the second operating mode radio circuit” as recited independent claim 2.

Abrol teaches the handoff of a mobile station between Radio Access Networks (RANs) that use different types of wireless interfaces. [0024] After moving from a first RAN to a second RAN, which uses a different wireless interface, the mobile station determines if routing ambiguity will result, which is based on movement of the mobile station out of the coverage area of the first RAN. [0025]. If routing ambiguity will result, the mobile station will re-register with the RAN. Abrol does not teach, suggest or disclose the mobile station sending a request to the RAN and based on the operating mode capabilities of the RAN, the mobile station switching operating modes. Therefore, Abrol does not disclose a mobile station switching its operating mode radio circuit “to a second operating mode radio circuit based on received capability information for a second wireless subsystem.”

As acknowledged by the Examiner, Abrol does not teach that a capability information request includes “information identifying the second wireless subsystem to which the handset is connected and a specific latitude-longitude location of the handset” and cites Yamato. While Yamato teaches calculating the specific latitude-longitude location of a handset, Yamato does not cure the defects of Abrol. As also acknowledged by the Examiner, Yamato does not disclose “including a listing of base stations that border the second wireless subsystem from the data base, and cites Hogan.

Hogan teaches that an RNC is aware of cells controlled by a drift radio network controller (DRNC) because they are located in a cell topology table and that neighboring cells, not controlled by the DRNC, are unknown to an RNC. Therefore, nothing in the combination of Abrol, Yamato and Hogan suggest the above-argued elements of independent claim 2. Claims 7 and 25 are non-obvious over Abrol, Yamato and Hogan at least by their dependency upon independent claim 2.

Based on the arguments presented above, withdrawal of the 35 USC § 103 rejection of claims 2, 7 and 25 is respectfully requested.

**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Heller et al.

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